

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO.</b> _____
<b>v.</b>	<b>:</b>	<b>DATE FILED:</b> _____
<b>SALVADOR GARCIA,</b>	<b>:</b>	<b>VIOLATIONS:</b>
<b>a/k/a "Niño,"</b>	<b>:</b>	<b>21 U.S.C. § 846 (conspiracy to distribute</b>
<b>ONASIS SANTOS</b>	<b>:</b>	<b>more than 50 grams of cocaine base - 1</b>
	<b>:</b>	<b>count)</b>
	<b>:</b>	<b>Notice of additional factors</b>
	<b>:</b>	<b>Notice of forfeiture</b>
	<b>:</b>	

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

From at least in or around December 2002 to in or around May 2003, in the Eastern District of Pennsylvania, and elsewhere, defendants

SALVADOR GARCIA,  
a/k/a "Niño," and  
ONASIS SANTOS

conspired and agreed with others known and unknown to the grand jury, to knowingly and intentionally distribute in excess of 50 grams of a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

**MANNER AND MEANS**

1. It was the plan and purpose of the conspiracy for Eugenio Estevez-Rondon, charged elsewhere, to supply defendant SALVADOR GARCIA and Alex Rodriguez,

charged elsewhere, with cocaine powder, and, through defendant ONASIS SANTOS, and others known and unknown to the grand jury, prepare, package, and convert it to cocaine base (“crack”) and sell the cocaine base (“crack”) in and around the Philadelphia area, in the Eastern District of Pennsylvania, for profit.

It was further a part of the conspiracy that:

2. Defendant SALVADOR GARCIA and Alex Rodriguez, and other persons unknown to the grand jury, packaged bulk cocaine base (“crack”) into “bundles” for retail sale. A “bundle” of cocaine base (“crack”) consists of approximately 26 bags of cocaine base (“crack”), each bag weighing approximately .05 grams apiece (for a total of approximately 1.3 grams). In Philadelphia, a “bundle” of cocaine base (“crack”) normally has a street value of approximately \$130.

3. Defendant ONASIS SANTOS and other persons known and unknown to the grand jury delivered the “bundles” of cocaine base (“crack”) to sales locations operated by Leon Foote and Nicole Harris, both charged elsewhere, in Philadelphia, including a residence located at 1351 East Berks Street.

### **OVERT ACTS**

In furtherance of the conspiracy, and to achieve its objects, the following overt acts, among others, were committed in the Eastern District of Pennsylvania and elsewhere:

1. On or about December 12, 2002, defendant ONASIS SANTOS had a telephone conversation with Alex Rodriguez in which Rodriguez scolded defendant SANTOS for not working hard enough to make money and told defendant SANTOS That Eugenio Estevez-Rondon was there.

2. On or about December 12, 2002, defendant SALVADOR GARCIA had a telephone conversation with Alex Rodriguez in which Rodriguez directed defendant GARCIA to make a delivery of cocaine near the beauty salon.

3. On or about December 13, 2002, Alex Rodriguez had a telephone conversation with Leon Foote, in which Foote informed Rodriguez that he had only 8 bundles of cocaine base ("crack") left and would call Rodriguez tonight to turn in the money and be supplied with more cocaine base ("crack").

4. On or about December 13, 2002, defendant SALVADOR GARCIA had a telephone conversation with Alex Rodriguez in which they discussed the arrest of a person known to the grand jury. Defendant GARCIA warned Rodriguez that the person arrested better not talk because he had participated in drug activity with some of their associates. Defendant GARCIA and Rodriguez also discussed getting out of the drug business before getting too greedy.

5. On or about December 13, 2002, defendant SALVADOR GARCIA had a telephone conversation with Alex Rodriguez in which defendant GARCIA told Rodriguez that he was in New York City. Rodriguez told defendant GARCIA he had 40 bags of cocaine. The two also discussed how Ramon Orlando, charged elsewhere, had taken more than his fair share of the drug profits.

6. On or about December 19, 2002, defendant SALVADOR GARCIA had a telephone conversation with Alex Rodriguez in which Rodriguez informed defendant GARCIA that Rodriguez would give him 200 grams of cocaine out of 2.5 kilograms.

7. On or about December 21, 2002, defendant ONASIS SANTOS had a

telephone conversation with Alex Rodriguez in which SANTOS told Rodriguez that SANTOS needed some cocaine base (“crack”) fast because a customer was waiting.

8. On or about December 21, 2002, defendant SALVADOR GARCIA had a telephone conversation with Alex Rodriguez in which Rodriguez informed defendant GARCIA that once Ramon Orlando left the next day, defendant GARCIA would be in charge of the organization. Rodriguez also stated that Ramon Orlando was clearly leaving because he was paying off all of his debts.

9. On or about December 24, 2002, Alex Rodriguez had a telephone conversation with Leon Foote, in which Rodriguez directed Foote to take \$500 from the drug proceeds for himself, for a Christmas present.

10. On or about January 6, 2003, defendant ONASIS SANTOS had a telephone conversation with Alex Rodriguez in which Rodriguez informed defendant SANTOS that Rodriguez was about to drop off drug proceeds to another person, but too many people were around.

11. On or about January 7, 2003, Alex Rodriguez had a telephone conversation with Nicole Harris, in which Harris told Rodriguez that Leon Foote had about five (“bundles” of cocaine base (“crack”)) left, and that Foote and Harris would call Rodriguez when they needed more (cocaine base (“crack”)).

12. On or about January 7, 2003, defendant ONASIS SANTOS had a telephone conversation with Alex Rodriguez in which Rodriguez informed SANTOS that Rodriguez was out of crack and both defendant SANTOS and Rodriguez discussed ways to obtain additional amounts.

13. On or about January 9, 2003, defendant ONASIS SANTOS had a telephone conversation with Alex Rodriguez in which Rodriguez informed defendant SANTOS that he only had \$3,000 (“3 pesos”) and that Rodriguez was about to pick up drug proceeds.

14. On or about January 14, 2003, Alex Rodriguez had a telephone conversation with Nicole Harris, in which Rodriguez asked Harris whether she was ready (for more cocaine base (“crack”)); Harris said no. Rodriguez asked Harris whether she had fifteen in money (\$1,500); Harris responded that she thought they had five left (five “bundles” of cocaine base (“crack”)), and would check with Foote and call Rodriguez back.

15. On or about January 14, 2003, Alex Rodriguez had a telephone conversation with Leon Foote, in which Foote confirmed that Rodriguez had spoken with his wife; Rodriguez said that if Foote gave him something (proceeds of sales of cocaine base (“crack”)), he would give Foote something (more cocaine base (“crack”) to sell). Foote then counted money and told Rodriguez that they had 10 (\$1,000). Rodriguez agreed to give Foote ten (ten “bundles” of cocaine base (“crack”)) in exchange for those then (the \$1,000).

16. On or about January 14, 2003, Alex Rodriguez had a telephone conversation with Leon Foote, in which Foote told Rodriguez that he could not meet until he went back to his house to pick up the money; the two agreed to meet at Lehigh Street shortly so that Foote could pay Rodriguez and receive more “bundles” of cocaine base (“crack”).

17. On or about January 14, 2003, Alex Rodriguez had a telephone conversation with Nicole Harris, in which Rodriguez asked Harris how much money she had; Harris responded that they did not have much, as the police had pulled her over the night before, and seized her car, so Leon Foote was out working (selling Rodriguez’s cocaine base (“crack”));

Harris told Rodriguez that they had five (five “bundles” of cocaine base (“crack”)) left.

18. On or about January 16, 2003, defendant ONASIS SANTOS had a telephone conversation with Alex Rodriguez in which defendant SANTOS asked Rodriguez for 500 grams of cocaine. Defendant SANTOS also asked Rodriguez if Eugenio Estevez-Rondon had any cocaine to provide defendant SANTOS.

19. On or about January 17, 2003, Alex Rodriguez had a telephone conversation with Nicole Harris, in which Rodriguez asked when Leon Foote and Harris would finish (selling the cocaine base (“crack”)) they had) and be able to pay Rodriguez.

20. On or about January 18, 2003, Alex Rodriguez had a telephone conversation with Nicole Harris, in which Rodriguez made arrangements to have a person unknown to the grand jury pick up \$2,200 of cocaine base (“crack”) proceeds from Harris.

21. On or about January 19, 2003, Alex Rodriguez had a telephone conversation with Leon Foote, in which Rodriguez made arrangements to meet with defendant Foote to give Foote five (“bundles” of cocaine base (“crack”)), and to deliver an additional twenty (“bundles” of cocaine base (“crack”)) to Foote later; Foote stated that he had 900 (\$900 in proceeds of sales of cocaine base (“crack”)) to turn over to Rodriguez.

22. On or about January 24, 2003, Alex Rodriguez had a telephone conversation with Nicole Harris, in which Harris informed Rodriguez that she and Leon Foote had 8 (8 bundles of cocaine base (“crack”)) left and would call Rodriguez when they were done (selling the cocaine base (“crack”)).

23. On or about January 24, 2003, Alex Rodriguez had a telephone conversation with Leon Foote, in which Foote informed Rodriguez that he had something

(cocaine base (“crack”) proceeds) for Rodriguez.

24. On or about May 20, 2003, Alex Rodriguez possessed approximately 162 grams of cocaine base (“crack”) inside his residence at 330 West Johnson Street, Philadelphia, PA.

25. On or about May 20, 2003, Leon Foote and Nicole Harris possessed approximately 1 gram of cocaine base (“crack”) inside their residence at 1351 East Berks Street, Philadelphia, PA.

All in violation of Title 21, United States Code, Section 846.

**NOTICE OF ADDITIONAL FACTORS**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. In committing the offense charged in Count One of this indictment, defendants SALVADOR GARCIA, a/k/a “Niño,” and ONASIS SANTOS, committed an offense and relevant conduct involving more than 150 grams of cocaine base (“crack”), as described in U.S.S.G. § 2D1.1(a)(3).



## **NOTICE OF FORFEITURE**

### **THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 21, United States Code, Sections 846 and 841(a)(1) set forth in Count 1 of this indictment, defendants

SALVADOR GARCIA,  
a/k/a “Niño,” and  
ONASIS SANTOS

shall forfeit to the United States under Title 21, United States Code, Section 853:

a. any and all real or personal property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violations of Title 21, United States Code as charged in this Indictment; and

b. any and all real or personal property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the violations of Title 21, United States Code as charged in this Indictment.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to

seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture.

All in violation of Title 21, United States Code, Section 853.

**A TRUE BILL:**

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**FOREPERSON**

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**PATRICK L. MEEHAN**  
**United States Attorney**